



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Reply, Please Refer to the Application of:

Kelly et al.

Serial No.: 09/364,967

Filed: July 31, 1999

For: DEVICE AND METHOD FOR  
DETERMINING AND COMMUNICATING  
THE REMAINING LIFE OF A POWER  
SOURCE IN AN IMPLANTABLE  
NEUROLOGICAL TISSUE STIMULATING  
DEVICE

Atty. Docket No.: P-8035

Group Art Unit: 2857

Examiner: Tsai, Carol S W

Confirmation No.: 1149

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. 1.97 and 1.98, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. 1.56. Copies of the references cited below can be found in U.S. Patent No. 6,341,236, issued January 22, 2002 (Serial No. 09/302,516). The references are also listed on the enclosed and completed PTO Form 1449.

**REFERENCES**

**U.S. Patent Documents**

1. U.S. Application No. 20020161328; published October 31, 2002
2. U.S. Application No. 20030065366; published April 3, 2003
3. U.S. Patent No. 4,556,061; issued December 3, 1985;
4. U.S. Patent No. 5,344,431; issued September 6, 1994;
5. U.S. Patent No. 5,369,364; issued November 29, 1994;
6. U.S. Patent No. 5,620,474; issued April 15, 1997;
7. U.S. Patent No. 5,741,307; issued April 21, 1998;
8. U.S. Patent No. 5,744,931; issued April 28, 1998;
9. U.S. Patent No. 5,769,873; issued June 23, 1998;
10. U.S. Patent No. 5,807,397; issued September 15, 1998;
11. U.S. Patent No. 5,994,876; issued November 30, 1999;
12. U.S. Patent No. 6,166,518; issued December 26, 2000;
13. U.S. Patent No. 6,185,461; issued February 6, 2001;
14. U.S. Patent No. 6,400,988; issued June 4, 2002;
15. U.S. Patent No. 6,490,484; issued December 3, 2002; and
16. U.S. Patent No. 6,584,355; issued June 24, 2003.

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Foreign Patent Documents

1. WO00/24459; issued May 4, 2002;
2. WO01/08749; issued February 8, 2001;
3. WO02/49718; issued June 27, 2002;
4. WO91/10471; issued July 25, 1991; and
5. WO96/20754; issued July 11, 19996.

Other Prior Art

1. Teletronics Model 1254 Physician Manual; and
2. 875E Software Guide for Thera; pp. 4-6 and 4-7.

Respectfully submitted,

**BANNER & WITCOFF, LTD**

Dated: October 21, 2003

By: 

Binal J. Patel  
Reg. No. 42,065

U I P F JC109  
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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

1

of

2

## Complete if Known

Application Number	09/364,967
Filing Date	July 31, 1999
First Named Inventor	Kelly
Group Art Unit	2857
Examiner Name	Carol S W Tsai
Attorney Docket Number	11738.00063

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US-20020161328	10-31-2002	Rogers	
		US- 20030065366	04-03-2003	Merritt et al	
		US- 4556061	12-03-1985	Barreras et al.	
		US- 5344431	09-06-1994	Merritt et al.	
		US- 5369364	11-29-1994	Renirie et al	
		US- 5620474	04-15-1997	Koopman	
		US- 5741307	04-21-1998	Kroll	
		US- 5744931	04-28-1998	Arai et al.	
		US- 5769873	06-23-1998	Zadeh	
		US- 5807397	09-15-1998	Barreras	
		US- 5994876	11-30-1999	Canny et al.	
		US- 6166518	12-26-2000	Echarri et al.	
		US- 6185461	02-06-2001	Er	
		US- 6400988	06-04-2002	Gurewitsch	
		US- 6490484	12-03-2002	Dooley et al	
		US- 6584355	06-24-2003	Stessman	

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## FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO00/24459	05-04-2002	Medtronic, Inc.		
		WO01/08749	02-08-2001	Medtronic, Inc.		
		WO02/49718	06-27-2002	St. Jude Medical AB		
		WO91/10471	07-25-1991	Medtronic, Inc.		
		WO96/20754	07-11-1996	Plexus, Inc.		

Examiner  
Signature

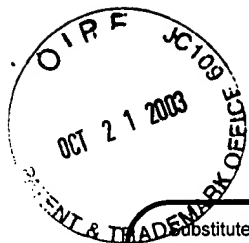
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	09/364,967
Filing Date	July 31, 1999
First Named Inventor	Kelly
Group Art Unit	2857
Examiner Name	Carol S W Tsai
Attorney Docket Number	11738.00063

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Teletronics Model 1254 Physician Manual	
		875E Software Guide for Thera; pp. 4-6 and 4-7	

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SignatureDate  
Considered

<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

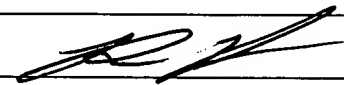
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**CANCELLED**  
O.I.P.F. JC109  
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/364,967
	<b>Filing Date</b>	July 31, 1999
	<b>First Named Inventor</b>	Kelly
	<b>Group Art Unit</b>	2857
	<b>Examiner Name</b>	Tsai, Carol S W
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	11738.00063

<b>ENCLOSURES (check all that apply)</b>		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>PTO SB08A with cited references attached.</b>
<b>Remarks</b>		<b>Being filed via Express Mail No. EL941345663US</b>
<b>The Commissioner is hereby authorized to charge any deficiencies in payment or credit any overpayment to our Deposit Account 19-0733.</b>		

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
<b>Firm or Individual name</b>	Binal J. Patel
<b>Signature</b>	
<b>Date</b>	October 21, 2003

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 1.2em; vertical-align: middle;"></span>			
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**CERTIFICATE OF MAILING**  
(PATENT APPLICATION)

Express Mail No. EL941345663US

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By: 

Application of: Kelly et al.

Application No.: 09/364,967

Filing Date: July 31, 1999

Title: Device And Method For Determining And Communicating The Remaining Life Of A Power Source In An Implantable Neurological Tissue Stimulating Device

Transmitted herewith are the following documents:

- ☒ Transmittal Form (1 page) in duplicate
- ☒ Supplemental Information Disclosure Statement (2 pages)
- ☒ PTO SB08A without cited references attached (2 pages)
- ☒ Return Postcard

Attorney Case No.: 11738.00063

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